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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

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MM Docket No. 87-268

To: The Commission

WSOC TELEVISION, INC.  
OPPOSITION TO PETITION FOR RECONSIDERATION  
OF DELTA BROADCASTING, INC.

DOW, LOHNES & ALBERTSON, PLLC  
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Dated: July 18, 1997

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**OPPOSITION TO PETITION FOR RECONSIDERATION  
OF DELTA BROADCASTING, INC.**

WSOC Television, Inc. ("WSOC-TV"), licensee of NTSC television station WSOC-TV, Channel 9, Charlotte, North Carolina, by its attorneys, hereby opposes the petition for reconsideration of the Commission's *Fifth Report and Order* and *Sixth Report and Order* in the above-captioned proceeding<sup>1/</sup> filed by Delta Broadcasting, Inc. ("Delta"), licensee of WKFT(TV), Fayetteville, North Carolina. Displeased with its Channel 38 digital television ("DTV") allotment, Delta seeks to move to DTV Channel 34 or 46. Alternatively, Delta seeks increased effective radiated power for WKFT(TV) on Channel 38. WSOC-TV opposes Delta's request to change DTV channels or increase power because Delta has failed to provide any evidence establishing that such changes would not cause substantial harmful interference to WSOC-TV's broadcasts on DTV Channel 34.

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<sup>1/</sup> *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (rel. Apr. 21, 1997); *Sixth Report and Order*, MM Docket No. 87-268, FCC 97-115 (rel. Apr. 21, 1997) ("*Sixth R&O*").

WSOC-TV has been assigned DTV Channel 34 in Charlotte, the television market immediately adjacent to the Raleigh-Durham market, where WKFT(TV) is located. Complaining that its current DTV channel allotment is unacceptable because it cannot fully replicate its existing NTSC service area, Delta offers the Commission the option of moving WKFT(TV) to either DTV Channel 34 or 46. Delta's proposal, however, does not meet the Commission's stated minimum standards for modifying the DTV Table of Allotments, as it fails to show that its operations on DTV Channel 34 would not result in new or additional interference to WSOC-TV. Sixth R&O at ¶¶ 29-33. Indeed, Delta does not even acknowledge that other stations like WSOC-TV could be adversely affected by a change in WKFT(TV)'s channel assignment. Before the Commission may change WKFT(TV)'s allotment, Delta must demonstrate that its proposed reallocation to DTV Channel 34 complies with the FCC's DTV rules.

WSOC-TV recognizes that anytime before August 22, 1997, Delta may supplement its petition for reconsideration pursuant to the FCC's order allowing parties to supplement. Accordingly, WSOC-TV reserves the right to comment on any supplement Delta files. WSOC-TV also is in the process of conducting a detailed engineering analysis of WKFT(TV)'s proposal and reserves the right to supplement this opposition to include the results of that engineering study.

WSOC-TV requests that the Commission deny Delta's request for DTV Channel 34 in the market adjacent to WSOC-TV unless and until Delta demonstrates compliance with the FCC's rules and specifically demonstrates that "no new interference" will be created to WSOC-TV by the channel assignment.

Respectfully submitted,

WSOC TELEVISION, INC.

By: 

Kevin F. Reed

Elizabeth A. McGeary

H. Anthony Lehv

Its Attorneys

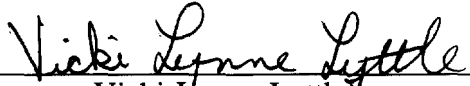
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Dated: July 18, 1997

## CERTIFICATE OF SERVICE

I, Vicki Lynne Lyttle, hereby certify that a true and correct copy of the foregoing Opposition to Petition for Reconsideration of WSOC Television, Inc. was sent by first-class mail, postage prepaid, this 18th day of July, 1997, to each of the following:

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Vicki Lynne Lyttle